

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RALPH W. MCCLAIN, JR.,)
)
Plaintiff,) Civil Action No. 09-691
)
v.) Judge Lancaster
) Magistrate Judge Bissoon
VICTORIA L. KORMANIC, et al.,)
)
Defendants.)

MEMORANDUM ORDER

Ralph W. McClain, Jr.'s civil rights complaint was received by the Clerk of Court on June 2, 2009, and was referred to United States Magistrate Judge Cathy S. Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

Plaintiff filed a petition to proceed *in forma pauperis*, but failed to sign an authorization permitting the institutional account officer to deduct an initial partial payment of the filing fee. The Magistrate Judge's Report and Recommendation, filed on July 24, 2009, recommended that this action be dismissed without prejudice to Plaintiff's right to re-file the action within the applicable statute of limitations period by paying the full filing fee of \$350.00. A copy of the Report and Recommendation was sent to Plaintiff at his place of incarceration by First Class United States Mail. The parties were allowed ten days from the date of service to file objections. Objections were due on or before August 10, 2009. No objections have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 19th day of Aug, 2009,

IT IS HEREBY ORDERED that Plaintiff's application to proceed *in forma pauperis* (Doc. 1) is DENIED. This action is DISMISSED WITHOUT PREJUDICE. The Clerk is directed to mark this case CLOSED. Plaintiff may re-file this action within the applicable statute of limitations period by paying the full filing fee of \$350.00.

The Report and Recommendation of Magistrate Judge Bissoon, (Doc. 6), dated July 24, 2009, is adopted as the opinion of the court.

s/Gary L. Lancaster

Gary L. Lancaster

U.S. District Court Judge

CC:

RALPH W. MCCLAIN, JR.
EX7008
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